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Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL SHIRLEY,

Defendant.

CASE NO. 4:21-mj-71590-MAG

NOTICE OF PROCEEDINGS ON OUT-OF-DISTRICT CRIMINAL CHARGES PURSUANT TO RULES 5(c)(2) AND (3) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE

Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of Criminal Procedure that on October 6, 2021, the above-named defendant was arrested pursuant to an arrest warrant (copy attached) issued upon an

☒ Indictment

☐ Information

☐ Criminal Complaint

☐ Other (describe) \_\_\_\_\_

pending in the Middle District of Pennsylvania, Case Number 3:21-CR-00107 MEM.

In that case (copy of indictment attached), the defendant is charged with violating:

Counts One and Six: - 21 U.S.C. § 841(a)(1) - Possession with intent to distribute fentanyl.

**FILED**

Oct 07 2021

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

1        Counts Two through Five and Seven: - 21 U.S.C. § 841(a)(1) – Distribution and possession with  
2 intent to distribute methamphetamine.

3        Count Eight: - 21 U.S.C. § 841(a)(1) - Possession with intent to distribute cocaine.

4        Count Nine: - 18 U.S.C. § 924(c) – Possession of a firearm in furtherance of a drug trafficking  
5 crime.

6        Count Ten: - 18 U.S.C. § 922(g)(1) – Felon in possession of a firearm.

7 Description of Charge: Drug trafficking and firearm possession.

8        The maximum penalties are as follows:

9        Counts One through Eight: - As to each count, maximum prison terms of 20 years, up to  
10 \$1,000,000 in fines, mandatory minimums of 3 years’ supervised release up to life, \$100 mandatory  
11 special assessments; forfeiture, restitution, and potential deportation.

12        Count Nine: - mandatory minimum of 5 years’ imprisonment up to life, up to \$250,000 fine, up  
13 to 5 years’ supervised release, a \$100 mandatory special assessment; forfeiture, restitution, and potential  
14 deportation.

15        Count Ten: - up to 10 years’ imprisonment, up to \$250,000 fine, up to 3 years supervised release,  
16 a \$100 mandatory special assessment; forfeiture, restitution, and potential deportation.

17  
18 DATED: October 7, 2021

Respectfully submitted,

19 STEPHANIE M. HINDS  
20 Acting United States Attorney

21 /s/ Robert D. Rees

22 ROBERT D. REES  
23 Assistant United States Attorney  
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AO 442 (Rev. 11/11) Arrest Warrant

## UNITED STATES DISTRICT COURT

for the

Middle District of Pennsylvania

United States of America

v.

MICHAEL SHIRLEY

*Defendant*

Case No. 3:21-CR-107

FILED  
WILKES BARRE

APR 14 2021

PER

DEPUTY CLERK

## ARREST WARRANT

To: Any authorized law enforcement officer

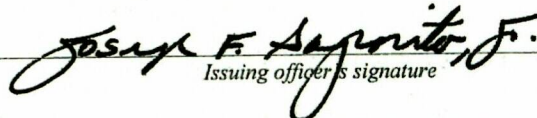
**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) MICHAEL SHIRLEY

who is accused of an offense or violation based on the following document filed with the court:

- ☒ Indictment   
 ☐ Superseding Indictment   
 ☐ Information   
 ☐ Superseding Information   
 ☐ Complaint  
☐ Probation Violation Petition   
☐ Supervised Release Violation Petition   
☐ Violation Notice   
☐ Order of the Court

This offense is briefly described as follows:

Distribute and possess with intent to distribute a controlled substance

Date: 04/14/2021


Issuing officer's signature

City and state: Wilkes-Barre, Pennsylvania

Joseph F. Saporito, Jr., U.S. Magistrate Judge

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_.

Date: \_\_\_\_\_

Arresting officer's signature

Joseph F. Saporito, Jr., U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

MICHAEL SHIRLEY,

Defendant.

No. 3:21-CR- 107

(Judge )

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

On or about October 26, 2020, in Luzerne County, within the Middle  
District of Pennsylvania, the defendant,

MICHAEL SHIRLEY,

did knowingly and intentionally distribute and possess with intent to  
distribute a substance containing a detectable amount of fentanyl, a  
Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

FILED  
SCRANTON  
APR 13 2021  
PEH  
DEPUTY CLERK

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 2**

On or about October 29, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally distribute and possess with intent to distribute a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 3**

On or about November 5, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally distribute and possess with intent to distribute a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 4**

On or about November 16, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally distribute and possess with intent to distribute a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 5**

On or about December 1, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally distribute and possess with intent to distribute a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 6**

On or about December 4, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally possess with intent to distribute a substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 7**

On or about December 4, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally possess with intent to distribute a substance containing a detectable amount of methamphetamine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 8**

On or about December 4, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly and intentionally possess with intent to distribute a substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 9**

On or about December 4, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

did knowingly possess firearms, namely, a 9mm Smith and Wesson SD9VE pistol, S/N FYB3983, and an Armalite 5.56mm M15 rifle, S/N US363908, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, the unlawful



distribution and possession with intent to distribute methamphetamine, a Schedule II controlled substance, in violation of 21, U.S.C. Section 841(a)(1).

All in violation of Title 18, United States Code, Section 924(c).

**THE GRAND JURY FURTHER CHARGES:**

**COUNT 10**

On or about December 4, 2020, in Luzerne County, within the Middle District of Pennsylvania, the defendant,

**MICHAEL SHIRLEY,**

knowing that he had been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess firearms, namely, a 9mm Smith and Wesson SD9VE pistol, S/N FYB3983, and an Armalite 5.56mm M15 rifle, S/N US363908, said firearms having been shipped and transported in interstate commerce.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**THE GRAND JURY FURTHER CHARGES:**

**FORFEITURE ALLEGATION**

The allegations contained in Counts 1 through 10 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

Pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 18, United States Code, Sections 924(c) and (a)(2), Title 18, United States Code, Section 922(g), Title 21, United States Code, and Section 841(a)(1), the defendant,

**MICHAEL SHIRLEY,**

shall forfeit to the United States of America any property constituting or derived from any proceeds obtained, directly or indirectly, as the result of said offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offenses.

The property to be forfeited includes, but is not limited to, the following:

- a. a 9mm Smith and Wesson SD9VE pistol, S/N FYB3983;
- b. an Armalite 5.56mm M15 rifle, S/N US363908;
- c. Assorted pistol and rifle ammunition
- d. 2 ballistic vests

If any of the forfeitable property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 924(d), Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853.

A TRUE BILL

BRUCE D. BRANDLER  
Acting United States Attorney

A large, solid black rectangular redaction mark covering the signature area of the United States Attorney.

By:

James M. Buchanan / JPR  
JAMES M. BUCHANAN  
Assistant United States Attorney

Date: 4.13.21